

FREQUENTLY ASKED QUESTIONS

(Revised July 2007)

Citizenship and Identity Documentation Requirements for Medical Care Programs

The Maryland Department of Health and Mental Hygiene implemented new federal rules on July 1, 2006. The following questions and answers have been developed in response to public inquiries and concerns.

1. What is the new requirement?

The federal Deficit Reduction Act of 2005 requires that all individuals declaring to be U.S. citizens provide documentation of their citizenship and identity. The lists below provide some examples of acceptable documents.

2. Who must provide this documentation?

- a) All individuals applying for all Medical Care Programs (including but not limited to: Medical Assistance, Maryland Children's Health Program, Primary Adult Care, HealthChoice, Women's Breast and Cervical Cancer Program, Employed Individuals with Disabilities Program, and all waiver programs) on or after September 1, 2006; and
- b) All current recipients during their annual reviews of eligibility that are begun on or after July 1, 2006.

3. Who does NOT have to provide this documentation?

Verification of Citizenship & Identity is **NOT** required for:

- Newborns whose mother was enrolled in MA or MCHP for the date of birth;*
- Newborns whose mother files an application and is determined eligible for Emergency Medical Assistance (Coverage group X02);*
- Children receiving Foster Care or Subsidized Adoption assistance under Title IV part E;
- Children for whom child welfare services are made available under Title IV part B;
- Supplemental Security Income (SSI) recipients;
- Individuals who are eligible for Medicare;
- Social Security Disability Insurance (SSDI) recipients. (Those recipients who receive disability insurance benefits under section 223 or monthly insurance benefits under section 202 based on the individual's disability); and
- Refugees, asylees and other qualified aliens.

* Newborns will need to provide the documentation of citizenship and identity upon their first redetermination for eligibility. Your caseworker will let you know if DHMH has already obtained the required information.

Immigrants

- **The new law does not affect the process by which illegal or non-qualified aliens currently receive emergency-only Medicaid benefits.**
- The new law also does not affect the current process by which qualified aliens, including those who have not yet met the 5-year residency bar, provide documentation of their immigration status.

4. What will I have to do to prove I am a citizen AND prove my identity?

If you declare that you are a U.S. Citizen by birth or naturalization, you will need to show:

- a) a U.S. Passport (current or expired);
- b) a Certificate of Naturalization (N-550 or N-570); or
- c) a Certificate of Citizenship (N-560 or N-561).

If you have one of these above documents, you do not need to provide any other documentation.

5. What can I use if I do not have one of the documents for citizenship from number 4?

You may use a document from the list below for **citizenship**:

Proof of Citizenship

- U.S. Birth Certificate;
- Record for child under 16 created near the date of birth and showing U.S. place of birth, Record on hospital letterhead or other medical record of the birth, except immunization record;
- Record showing U.S. place of birth, if created at least 5 years before an application, Record on hospital letterhead, or other medical record of the birth, institutional admission papers, signed statement by physician or midwife who attended the birth, Vital Statistics notice of birth registration, or insurance record;
- Final adoption decree for a child born in the U.S.;
- Certificate of citizen born abroad (DS-1350, FS-240, FS-545);
- Military service record showing U.S. place of birth;
- Evidence of U.S. civil service employment before 6/1/76;
- Federal or state census record for 1900-1950 showing U.S. citizenship or U.S. place of birth;
- ID card for naturalized citizen living in Mexico or Canada (I-179 or I-197); or
- Two written and signed affidavits by U.S. citizens who can prove their own citizenship and identity. Both must have personal knowledge of the applicant or recipient's citizenship and why documentation is not available. At least one statement must be signed by someone who is not related. A third affidavit must be

signed by the individual, parent, guardian, etc. explaining why the other types of documentation are not available. All affidavits must be signed under penalty of perjury. Affidavits are available from DHMH and/or your caseworker.

6. What can I use if I do not have one of the documents from number 4 to verify my identity?

You can verify your identity by providing one of the documents listed below.

Proof of Identity

- Photo driver's license or MVA ID card;
- Photo school ID card;
- Photo federal, state, or local government ID card;
- U.S. military card or draft record;
- Military dependent's ID card; or
- For children under 16: school record, nursery or day care record, or affidavit signed under penalty of perjury by parent or guardian (if a written statement was not used as proof of citizenship).

7. What can I use if I do not have the needed documents?

You will need to let your caseworker know and the caseworker will help you. DHMH may also be able to assist you in securing the documents.

8. What if I cannot find my documents?

If you were born in Maryland, DHMH will collect your information and attempt to obtain proof of your citizenship for you. Apply or submit your redetermination package with proof of identity.

9. Can I send a copy of my documents?

The original or a certified copy of the document certified by the issuing agency should be shown to your caseworker. If you must send a copy of the document for a mail-in application, your caseworker may still require an original be presented at a later date for you to keep your benefits.

10. Will I still be able to get benefits if I do not have my documents when I apply?

You will be provided with a reasonable opportunity (at least 30 days) to obtain the documents. Be sure to let your caseworker know what steps you are taking to get the needed documentation.

11. How will the new law affect me if I have benefits now?

If you already receive benefits, you do not have to provide the needed documents until your next annual review of eligibility (redetermination), you will receive a redetermination packet from your caseworker. You will also receive a letter from DHMH listing acceptable documents and letting you know which documents you must provide. Send that information to your caseworker with your redetermination packet.

12. What help can I get if I am homeless, disabled, or in a nursing facility?

Your caseworker will let you know if documents must be provided. You can also ask your advocate or authorized representative for help.

13. I read that recipients of SSI (Supplemental Security Income) are exempt from this requirement, but what about people who receive SSDI (Social Security Disability Insurance)?

Recent changes to the Deficit Reduction Act have exempted certain SSDI recipients (Those recipients who receive disability insurance benefits under section 223 or monthly insurance benefits under section 202 based on the individual's disability).

14. I am doing some research and am unable to find how the New Rules for Citizenship Identity Documentation will be codified in COMAR. What is the cite for this provision?

The Maryland Department of Health and Mental Hygiene is drafting amendments to its current Medicaid and Maryland Children's Health Program (MCHP) eligibility regulations at COMAR 10.09.11 and 10.09.24. Notice of publication and the draft language will be posted to the DHMH website as soon as those regulations are promulgated. Meanwhile, federal law and regulations have authority over State regulations.

15. Does this requirement to produce documents apply to your programs that use mail-in applications, such as the Maryland Children's Health Program?

Yes, this requirement still applies to those programs with a mail-in application instead of a face-to-face interview.

16. Is there a phone number I can call with questions about the requirement?

Call toll-free at 1-800-492-5231, option 5. Phone lines are open Monday – Friday from 7:00 a.m. to 7:00 p.m.

17. How would the new requirements affect cases of immigrant families in which the newborn child is eligible for MCHP coverage, but the mother is not? Would the child have to wait until a birth certificate is mailed to their home in order to enroll?

If the mother files an application and is determined eligible for Emergency Medical Assistance (Coverage group X02) for the delivery, the child will be deemed eligible for Medicaid for the first year of life. Newborns will need to provide the documentation of citizenship and identity upon their first redetermination for eligibility. Your caseworker will let you know if DHMH has already obtained the required information through a data match.

18. Can I fax my affidavits to my caseworker?

Faxed documents are not acceptable for proving citizenship or identity.

19. Are the “Statement of Age” cards issued by the Local Health Departments acceptable as proof of citizenship and identity?

The Statement of Age card is acceptable only for proof of citizenship, as long as it was issued by a Local Health Department.

20. Are copies of a child’s immunization record acceptable as proof of identity?

No, medical records are not part of the acceptable proofs for identity. Medical records from a doctor, clinic or hospital that were created at birth or at least 5 years prior to application for Medicaid can be used to verify citizenship if the record contains information regarding place of birth.

21. Can we use the DHR/IMA 20 to verify citizenship?

Yes, the Department of Human Resources Verification of Birth form (DHR/IMA 20) can be used to verify citizenship (but not identity) as long as it was created at the time of birth or at least 5 years prior to the Medicaid application.

22. Can we use SAVE to verify citizenship?

At this time SAVE cannot be used to verify citizenship.

23. Are identification cards issued by non-profit organizations and foreign embassies considered acceptable proofs of identity?

In order for a proof of identification to be acceptable, that proof must have been government issued. Therefore, the identification card issued by the non-profit organization and the card issued by foreign embassies would ***not*** be an acceptable proof.

24. Are school records considered acceptable proof of identity for a child?

Yes, school records such as the State of Maryland Family Investment Administration School Attendance Verification Form (DHR/FIA/604-A) or the Department of Human Resources Primary Prevention Initiative Health Care Form (DHR/FIA/PPI 1131) can be used as acceptable proof of identity. Report cards are generally not acceptable because they do not contain all identifying information. If the document (including a report card) contains a photograph with the child's name, parent's name, and date **and** place of birth, it can be used.

25. Are voter cards or Social Security cards considered acceptable proofs of citizenship or identity?

No, voter cards and social security cards cannot be used as proof of either citizenship or identity.

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